

### **Remarks**

The applicant has carefully reviewed the Office action dated May 11, 2007, and the art applied therein to the claims. Claims 1-13 remain in this application, of which claims 1, 6, and 7 are independent. In view of the following remarks, reconsideration and allowance of the application are respectfully requested.

### **The Rejections Under 35 U.S.C. § 102**

In the Office action, claims 1, 2, 4, 6-9, 11 and 13 were rejected as anticipated by Ovard et al. (U.S. Publication No. 2002/0090958 A1 – hereinafter “Ovard”). As explained below, the applicant respectfully submits that independent claims 1, 6, and 7, and claims dependent therefrom, are allowable over the art of record.

### **Claims 1, 6, and 7**

Independent claims 1, 6, and 7 recite, *inter alia*, monitoring a designated region for the presence of an audio signal, monitoring the region for the presence of a transponder, and the portable transponder to transmit an identification signal, the portable transponder powered by a polling signal. However, as described below, Ovard fails to describe or suggest monitoring a designated region for the presence of an audio signal, monitoring the region for the presence of a transponder, and the portable transponder to transmit an identification signal, the portable transponder powered by a polling signal, as recited in claims 1, 6, and 7.

Ovard describes a wireless communication system including an interrogator and one or more remote communication devices, such as radio frequency identification (RFID) devices. Ovard, ¶0024-0026, FIG. 1. The remote communication devices and the interrogator of Ovard interface with each other via an electromagnetic link, such as a radio frequency link, and the communication devices are responsive to forward link communications from the interrogator. Id., ¶0028, 0029, 0032. Encoded information transmitted from the communication devices allow for unique identification of particular communication devices located within a communication range, but the communication devices employ a power source rather than being powered by a polling signal. Id., ¶0041-0043, FIGS. 2 and 3.

In particular, FIGS. 2 and 3 of Ovard illustrate a power source (18) with an associated battery symbol, which is described by Ovard as a thin film battery. *Id.*, ¶0043. Unlike a portable transponder powered by a polling signal, Ovard describes that the remote communication device (12) employs various forms of batteries, such as batteries selected based on particular size requirements, weight requirements, and life requirements for a particular application. *Id.*, ¶0043. In fact, Ovard describes concern for conserving such battery life with the aid of a sleep mode of operation for periods of time when no interrogation signal is received. *Id.*, ¶0048.

While independent claims 1, 6, and 7 recite, *inter alia*, a portable transponder or a transponder to transmit an identification signal, the transponder powered by a polling signal, the applicant maintains that Ovard is missing any description or suggestion of the claimed subject matter. In particular, the examiner asserts that Ovard teaches, at paragraphs [0005] and [0042], a transponder or a portable transponder to transmit an identification signal, the transponder powered by a polling signal. *See Office action, pages 2 and 3.*

However, paragraph [0005] of Ovard merely describes transponders capable of receiving a predefined code, and subsequently outputting an identification signal associated with the transponder. The interrogator may then receive such identification signals to detect the transponders, but paragraph [0005] is completely silent to any description of how the transponder is powered, much less that the transponder is *powered by* a polling signal.

Additionally, paragraph [0042] of Ovard references FIG. 2 to, in part, describe components within a remote communication device (12), which includes a transponder (16). While FIG. 2, and the associated description of paragraph [0042] include a power source (18), such power source of Ovard is on-board the remote communication device to provide power to the transponder. As such, Ovard fails to describe a portable transponder powered by a polling signal. In fact, Ovard even fails to suggest a portable transponder powered by a polling signal because Ovard describes that all such power for the transponder is derived from the power source illustrated in FIG. 2 and described in paragraphs [0042] and [0043].

As a result, because Ovard fails to describe or suggest a portable transponder to transmit an identification signal, the portable transponder powered by a polling signal, claims

1, 6, and 7 can not anticipate Ovard. To that end, the applicant respectfully requests that the rejection of claims 1 and 7 be withdrawn for at least these reasons.

Furthermore, independent claims 1, 6, and 7 also recite, *inter alia*, a fixed receiver or a means for detecting an audio signal, monitoring a designated region for the presence of an audio signal, determining an identity of the audio signal detected, and associating the identity of the transponder with the identity of the audio signal detected. However, the applicant respectfully submits that Ovard fails to describe or suggest a fixed receiver or a means for detecting an audio signal, monitoring a designated region for the presence of an audio signal, determining an identity of the audio signal detected, and associating the identity of the transponder with the identity of the audio signal detected, as recited in claims 1, 6, and 7.

While Ovard describes a transponder with an output having a particular identification signal associated with the transmission, such identification is not associated with an identity of an audio signal, much less detecting *any* audio signal. In fact, a careful study of Ovard illustrates that Ovard is completely devoid of any audio signal, much less a fixed receiver or a means for detecting an audio signal, monitoring a designated region for the presence of an audio signal, as recited in claims 1, 6, and 7. To that end, because Ovard fails to describe or suggest any audio signal, Ovard necessarily fails to determine an identity of the audio signal detected, and associate the identity of the transponder with the identity of the audio signal detected, as recited in claims 1, 6, and 7.

Thus, for at least these reasons, Ovard does not, and can not anticipate claims 1, 6, and 7. The applicant respectfully requests that the rejection of claims 1 and 7 be withdrawn.

Reconsideration of the application and allowance thereof are respectfully requested.  
If there is any matter that the examiner would like to discuss, the examiner is invited to contact the undersigned representative at the telephone number set forth below.

Respectfully submitted,  
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